

Meeting Minutes
Jefferson County Planning Commission
May 27, 2025

The Jefferson County Planning Commission met on May 27, 2025, at 7:00 pm with the following Planning Commission members present: Mike Shepp, President; Aaron Howell, Vice President; Wade Louthan, Secretary; Cara Keys, County Commission Liaison; Tim Smith; J Ware; Donnie Fisher; Bruce Chrisman; and Daniel Hayes were present in person.

Staff members present included Luke Seigfried, Chief County Planner; Jonathan Saunders, County Engineer; Andy Beall, Zoning Administrator; Nathan Cochran, County Attorney; Charles Cain, Planning Intern; and Colin Uhry, Planning & Zoning Clerk.

Mr. Shepp called the meeting to order at 7:00 pm and confirmed a quorum was present.

1. Approval of Meeting Minutes: April 8, 2025, April 29, 2025, and May 20, 2025 meetings

Mr. Shepp presented proposed changes to the April 8, 2025 meeting minutes. Mr. Shepp stated all sets of minutes stand approved as amended.

2. Request for postponement

None.

- 3. Tabled from April 8, 2025: Public Hearing:** Waiver from Article 21, Section 21.101A, which requires the blocks shall not, in most instances, exceed six lots in length on one side of the street. Applicant: DR Acquisitions, LLC/Matt Powell. Consultant: Integrity Federal Services, Inc/Brooke Perry. Property Location: Vacant Lots located on Somerset Blvd, Charles Town, WV. Parcel IDs: 02000900080000 & 02000900080011; Size: ~136.08 acres; Zoning District: Residential-Light Industrial-Commercial (File #25-12-PCW)
- 4. Tabled from April 8, 2025: Public Hearing:** Waiver from Article 21, Section 21.104A, which requires the minimum frontage shall be the minimum lot width for the Zoning District or 80 feet, whichever is less. The applicant is requesting to reduce the lot width from 80' to 65'. Applicant: DR Acquisitions, LLC/Matt Powell. Consultant: Integrity Federal Services, Inc/Brooke Perry. Property Location: Vacant Lots located on Somerset Blvd, Charles Town, WV. Parcel IDs: 02000900080000 & 02000900080011; Size: ~136.08 acres; Zoning District: Residential-Light Industrial-Commercial (File #25-13-PCW)

Mr. Seigfried provided an overview of the staff reports for both 25-12-PCW and 25-13-PCW, noting the applicant has resubmitted two identical waivers for the June 10, 2025 meeting out of caution to be considered with the Concept Plan.

Mr. Jason Gerhardt and Mr. Matt Monaghan, consultants for the applicant were present in person. Mr. Gerhardt explained the nature of the request.

Mr. Shepp questioned how the applicant would be impacted by postponing discussion regarding 25-12-PCW and 25-13-PCW until the June 10, 2025 meeting, Mr. Gerhardt explained the impact.

Mr. Shepp questioned staff on next direction, Mr. Seigfried recommended tabling Agenda Items 3 and 4 to the June 10, 2025 meeting.

Mr. Shepp motioned to postpone/table Agenda Items 3 and 4 to the June 10, 2025 meeting to discuss both the proposed waivers and the Concept Plan simultaneously. Mr. Louthan seconded the motion, which carried unanimously.

The following items are open for public comment.

- 5. Public Hearing:** Waiver from Section 2.5 of the Subdivision Regulations to reduce the depth of a parking space from 20' to 18' for a proposed commercial development. Property Owner: Kolawale Oshiyoye. Property Location: 7595 Martinsburg Pike, Shepherdstown, WV. Parcel ID: 09007B00010000; Size: ~2.69 ac; Zoning District: Residential Growth (File # 25-14-PCW).

Mr. Seigfried provided an overview of the staff report for 25-14-PCW.

Mr. Eric Iser, consultant for the applicant was present in person. Mr. Iser explained the nature of the request.

Mr. Shepp opened the floor for public comment. The following members were signed up to speak: David Tabb.

Mr. Shepp closed the floor for public comment.

Mr. Saunders explained the context of staff's recommendation for approval.

Ms. Keys motioned to waive the required depth of a parking space from 20' to 18' for a proposed commercial development. Mr. Hayes seconded the motion, which carried unanimously.

- 6. Public Hearing:** Waiver from Section 20.201.B.3 to reduce the required access easement width from 50' to 40' for a proposed family transfer minor subdivision. Property Owner: Russell and Krishna Carroll. Property Location: 1146 S Childs Road, Kearneysville, WV. Parcel ID: 07002400060012; Size: ~4.03 ac; Zoning District: Rural (File # 25-15-PCW).

Mr. Shepp recused himself for the remainder of the Agenda Item.

Mr. Seigfried provided an overview of the staff report for 25-15-PCW.

Mr. Paul Raco, consultant from P.J. Raco Consulting, LLC, was present in person. Mr. Raco explained the nature of the request.

Mr. Howell opened the floor for public comment. The following members of the public provided comments: David Tabb, Christine Wimer.

Mr. Howell closed the floor for public comment.

Addressing Mr. Fisher's comments regarding the need for both a Planning Commission Waiver and a Board of Zoning Appeals Variance, Mr. Raco explained the process with how this specific Agenda Item interacts with 25-14-ZV, which the Board of Zoning Appeals approved at the May 22, 2025 meeting.

Mr. Chrisman questioned the impact this project will have on adjacent properties, Mr. Raco noted all adjoining are aware of the project.

Mr. Smith motioned to reduce the required access easement width from 50' to 40' for the proposed family transfer minor subdivision. Mr. Hayes seconded the motion, which carried unanimously.

- 7. Public Hearing:** Request for a Final Plat Amendment to lift the single family restriction for a detached accessory dwelling unit for a family member. See Note #4 on the Clear Field Subdivision Final Plat (PB 19/PG 59B). Property Owner: Daniel Dillow & James Glass. Property Location: Clear Field Subdivision, Lot 6, 152 Independence Lane, Summit Point, WV. Parcel ID: 06000200120000; Size: ~5.2 ac; Zoning District: Rural (File # 25-1-FPA).

Mr. Shepp rejoined the meeting for the remainder of the night.

Mr. Seigfried provided an overview of the staff report for 25-1-FPA.

Mr. Daniel Dillow and Mr. James Glass, property owners, were present in person. Mr. Dillow explained the nature of the request.

Mr. Shepp opened the floor for public comment. The following members of the public provided comments: David Tabb.

Mr. Shepp closed the floor for public comment.

Mr. Chrisman motioned to lift the single family restriction located on Plat Book 19 / Page 59B Note #4 to allow for a detached accessory dwelling unit for a family member. Mr. Howell seconded the motion, which carried unanimously.

There is no public comment for the following items.

- 8. Discussion and Possible Action:** Draft amendment to Section 24.113 of the Subdivision & Land Development Regulations related to the requirement for Phase I Archaeological Surveys for Major Subdivisions.
- 9. Discussion and Possible Action:** Draft amendment to Section 20.104 of the Subdivision Regulations related to exempting Parks and Recreation owned land from the Subdivision & Land Development Regulations.
- 10. Discussion and Possible Action:** Draft amendment to add Data Centers to the Zoning & Land Development Ordinance and add specific requirements for Data Centers to the Subdivision & Land Development Regulations.
- 11. Discussion and Possible Action:** Draft amendment to revise language on Solar Energy Facilities in the Zoning & Land Development Ordinance Section 2.2, Section 4.13, and Section 8.20 and add specific requirements for Solar Energy Facilities to the Subdivision & Land Development Regulations.

Mr. Shepp clarified to the Planning Commissioners that no action will be taken on the proposed amendments at the current meeting.

Mr. Shepp motioned to direct staff to review and critique the four proposed text amendments and return with findings to the Planning Commission at a later date.

Mr. Shepp questioned where Agenda Item 9 came into motion. Mr. Seigfried and Mr. Beall explained that staff had drafted the text amendment based on action items in the 2045 Comprehensive Plan regarding support for Parks and Recreation.

Mr. Cochran noted that he would not have Legal Reports regarding the Text Amendments related to Data Centers and Solar Facilities in time for the June 10, 2025 meeting.

Mr. Hayes motioned to further discuss Agenda Items 8 and 9 at the June 10, 2025 meeting and further discuss Agenda Items 10 and 11 at the July 8, 2025 meeting, Mr. Louthan seconded the motion, which carried unanimously.

- 12. Discussion and Approval:** Planning and Zoning 2nd Quarterly Report for FY 2024-2025 for the County Commission.

13. Discussion and Approval: Planning and Zoning 3rd Quarterly Report for FY 2024-2025 for the County Commission.

Mr. Fisher motioned to approve both the 2nd Quarterly Report for FY 2024-2025 and 3rd Quarterly Report for FY 2024-2025, Mr. Howell seconded the motion, which carried unanimously.

10. Reports from Legal Counsel

Mr. Cochran mentioned a briefing is currently being scheduled for Jefferson County Circuit Court Case # CC-19-2025-C-93 (RE: Sidewinder Enterprises, LLC v. Jefferson County Planning Commission).

14. Planner's Memo

Mr. Seigfried introduced Mr. Cain and Mr. Beall to the Planning Commission.

Mr. Seigfried noted that due to complications with the proposed contracted part time help from Agenda Item 9 on the March 25, 2025 meeting, staff is no longer moving forward in contracting part time help.

15. President's Report

Mr. Shepp expressed concern regarding template emails and ex parte communication and requested all Planning Commissioners be provided with a Jefferson County organization email.

Mr. Shepp motioned to request the County Commission to provide all Planning Commissioners with a Jefferson County email, Mr. Ware seconded the motion.

Mr. Seigfried noted the first step should be requesting emails from the County Administrator.

Mr. Shepp motioned to amend to request the County Administrator to provide all Planning Commissioners with a Jefferson County email, Mr. Ware seconded the amendment, which carried unanimously.

16. Actionable Correspondence

1. Emails re: "Actionable correspondence: Public Comment on Zoning Ordinance Amendments" received between 05/04/25 – 05/06/25 from the following citizens:

Nancy Adams, Joanne Bario, Kathryn Bellacosa, Cheryl Bennett, Kraig Benson, Stephen Berzinskis, Marlyn Bisher, Angela Blair, Nancy Brady, Mike Briers, Nigel Casserly, Donna Catt, Marilee Cunningham, Laura Degenhardt, Toby Degenhardt, Kathleen Dillon, Sonny Discini, Nora Drish, Julia Farrell, Jennifer Fisher, Gabrielle Fry, John Fuller, Matthew Glover, Anita Hill, Holland Hook, Melissa Howell, Hannah Jack, Reba Jones, Cindy Keller, Hilary Lo, Diana Mullis, Ellen Murphy, Steven Ontiveros, Amy Piedrahita, Ali Printz, Cheryl Pullen, James Reifer, Linda Roberts, Carol Roby, Carolyn Rodis, Phillip Carter Salladay, William Schenider, Susan Topping, Sonia von Heijne, AnnaMary Walsh, Dale Walter, Samuel Welch, Carol Wood, Laurie Allen, Windsong Bergman, Susan Cebulski, Kathryn Christopher, Brian Hagberg, Lisa Higgins, Barbara Humes, Deborah Johnson, Kathleen Lloyd, Barbara Manuputy, Christine Marshall, Joseph Martin, George Rice, Joseph White, Amber Hobday, Pam Rowley, Rebecca Thompson, David Cebulski, Tamar Kavaldjian-Liskey, Donna Printz, Edward Reifer, Trudy Roth, Anne Weshinsky.

2. Emails re: "Actionable correspondence for May 13 agenda items 3 and 4" received between 05/04/25 – 05/06/25 from the following citizens:

Nancy Adams, Joanne Bario, Kathryn Bellacosa, Cheryl Bennett, Kraig Benson, Stephen Berzinskis, Marlyn Bisher, Angela Blair, Mike Briers, Nigel Casserly, Marilee Cunningham, Toby Degenhardt, Sonny Discini, Nora Drish, Julia Farrell, Jennifer Fisher, Gabrielle Fry, John Fuller, Anita Hill, Melissa Howell, Hannah Jack, Reba Jones, Cindy Keller, Hilary Lo, Diana Mullis, Ellen Murphy, Amy Piedrahita, Cheryl Pullen, James Reifer, Linda Roberts, Carol Roby, Carolyn Rodis, Andrew Rosen, Phillip Carter Salladay, William Schenider, Susan Topping, Sonia von Heijne, AnnaMary Walsh, Samuel Welch, Carol Wood, Laurie Allen, Windsong Bergman, Susan Cebulski, Kathryn Christopher, Brian Hagberg, Lisa Higgins, Barbara Humes, Kathleen Lloyd, Barbara Manuputy, Christine Marshall, Joseph Martin, Donna Printz, George Rice, Joseph White, Amber Hobday, Richard Lo, Christian Lotze, Rebecca Thompson, David Cebulski, Tamar Kavaldjian-Liskey, Edward Reifer, Trudy Roth, Anne Weshinsky.

3. John Smith, Angelina Gray

17. Non-Actionable Correspondence

Mr. Hayes motioned to adjourn the meeting at 8:04 pm. Mr. Smith seconded the motion, which carried unanimously.

These minutes were prepared by Colin Uhry, Planning & Zoning Clerk.